# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA

ELSEY GODFREY, Individually and	)	
as Personal Representative of the	)	
Estate of WILLIE C. GODFREY, et al	)	
	)	<b>CIVIL ACTION NO.:</b>
Plaintiffs,	)	
	)	1:00CV33
v.	)	
	)	
ACandS, INC., et al,	)	
	)	
Defendants.	)	
	)	

#### ORDER OF DISMISSAL OF DEFENDANT

This Court, with the consent and approval of the parties, hereby dismisses without prejudice, Plaintiffs' Complaints, for Plaintiffs Richard Allen, William S. Black, William H. Bradley, Kenneth Bromelow, David K. Brown, Richard D. Day, Cecil F. Foster, Herbert R. Givson, Howard R. Guffey, Bobby R. Hancock, James Charlie Henline, Shelby Hewell, Dennis R. Hicks, Henry M. Houghton, Ray B. Ketchie, Lewis Koehler, Lee W. McKeown, Sr., Billy Mercer, Carl M. Mixer, Harget Franklin Moore, John Andrew Parrish, Roy L. Ramsey, Albert C. Smith, Lisa J. Splawn, John D. Hilton and Thomas C. Tipton only, in the above-styled causes of action, against Defendant D. B. Riley, Inc, f/k/a Riley Stoker Corporation.

Signed: August 11, 2006

Lacy H. Thornburg United States District Judge

#### PREPARED AND SUBMITTED BY:

/s/ E. Elaine Shofner

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ACandS, INC., et al,	)	
	)	
Defendants.	)	

### **CERTIFICATE OF SERVICE**

I hereby certify that on August 10, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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and I certify that I have mailed the document to the following non CM/ECF participant:

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